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AMENDMENT UNDER FINAL REJECTION
EXPEDITED PROCEDURE EXAMINING GROUP 1600
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/782,794

Confirmation No.: 6789

In re Application of

Mark Roland BOEDER

Group Art Unit: 1661

Filed: February 23, 2004

Examiner: June Hwu

For: CHRYSANTHEMUM PLANT NAMED 'CETWOTONE PINK'

REQUEST FOR RECONSIDERATION

Commissioner of Patents
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant requests reconsideration of the rejection in the Office Action mailed January 26, 2006 in view of the following remarks.

The rationale appearing at pages 2 to 4 of the Office Action in support of the rejection is, with respect, supportable by neither case law nor the statute. The positions advanced in the Reply to Requirement for Information Under 37 CFR 1.105 filed June 2, 2005 and the Request for Reconsideration filed October 5, 2005 are correct. The Examiner seems to take the view that it is the sale of the flower abroad alone that supports the rejection under 35 USC 102. This is, and cannot be, so. It is necessary to find a